UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Charles Martin
Virginia Department of Environmental Quality
629 Main Street
Richmond, VA 23219

Dear Mr. Martin:

The United States Environmental Protection Agency (EPA) has reviewed the Department of Environmental Quality=s (DEQ) request to amend the waste load allocation for the Muddy Creek bacteria and nitrate TMDLs. It is our understanding that the public notice period for this amendment has closed and no comments were received. EPA concurs with DEQ=s opinion that this modification will not negatively impact water quality on Muddy Creek.

EPA=s opine is based on several factors including the fact that the facility is required to discharge bacteria at the water quality criteria and that this facility rarely discharges to Muddy Creek, the last recorded discharge to Muddy Creek occurred over a decade ago. The facility discharges to a lagoon which flows to Muddy Creek only when its capacity is exceeded. EPA is therefore approving this minor modification to the TMDL. As you know, all new or revised National Pollutant Discharge Elimination System permits must be consistent with the TMDL WLA pursuant to 40 CFR '122.44 (d)(1)(vii)(B). Please submit all such permits to EPA for review as per EPA=s letter dated October 1, 1998. If you have any questions or comments concerning this letter, please don=t hesitate to contact Mr. Peter Gold at (215) 814-5236.

Sincerely,

Mr. Thomas Henry
TMDL Program Manager

December 15, 2004

Mr. Thomas M. Henry
US EPA Region 3 - 3WP12
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Dear Mr. Henry:

Over the last few years, EPA Region III has approved bacteria, nitrate, phosphorus and sediment TMDLs for Muddy Creek in Rockingham County, Virginia. DEQ recently received a request for permit reissuance from Calvary Mennonite Fellowship for a facility formerly known as the Mt Hinton School. The number of the affected permit is VA0062928. The facility is a lagoon with the last discharge recorded prior to 1994.

DEQ has issued a public notice for the reissuance of this permit with the following permit limits: pH 6.5 SU min, 9.5 SU max; BOD5 45 mg/L max; Suspended Solids 45 mg/L max; Residual Chlorine 1.1 mg/L max; Dissolved Oxygen 5.0 mg/L min; E. coli 126 N/100 mL ave. The design flow for the facility is 0.005 mgd. The notice was published in a local newspaper with a public comment period from 27 November to 27 December 2004. A copy of the draft permit was sent to EPA permit staff on 10 December 2004.

In order for the proposed reissuance to be consistent with the existing TMDL WLAs pursuant to 40 CFR §130.7(d)(2), DEQ proposes the following actions:

- TP TMDL – no TMDL action needed because the TMDL applies upstream of the permitted facility;
- Sediment TMDL – no TMDL action needed because the limits for suspended solids in this permit have been designed to be consistent with the suspended solids load allocated to this facility in the TMDL;
- Nitrate TMDL – no TMDL action needed because the permit will include a special condition requiring monitoring of the effluent for nitrate if and when a discharge occurs;
- Bacteria TMDL – TMDL action needed to account for the E. coli effluent limit included in the proposed reissuance.

Therefore, this letter is to request EPA's approval of a modification to the waste load allocation (WLA) and total maximum daily load (TMDLs) for bacteria developed for Muddy Creek, Rockingham County, Virginia. DEQ proposes to revise the bacteria TMDL by adding a bacteria wasteload allocation to accommodate this facility at a flow of 0.005 MGD and E. coli concentration of 126 cfu/100mL. This represents only a 0.15% increase in the TMDL. This increase will neither cause nor contribute to the non-attainment of Muddy Creek, because the permit limits the concentration of bacteria in the discharge to the water quality standard level. In addition, the permit contains a re-opener condition that may allow these limits to be modified, in compliance with section 303(d)(4) of the Clean Water Act.

A public notice containing the above information (see attached) was published in the Harrisonburg Daily News Record on November 27, 2004 and on December 4, 2004. The comment period ends on December 27, 2004. In accordance with Mr. Jon Capacasa's letter to Mr. Larry Lawson sent in August 2003, VA DEQ hereby requests EPA approval of the proposed modification. If you or your staff have questions on this modification of the Muddy Creek bacteria TMDL, please contact me at (804) 698-4099.

Sincerely,

Jutta Schneider
TMDL Modeling Coordinator
Watershed Programs Office

Attachment

cc: Mark Smith, EPA
Charles Martin, VADEQ
Jon Van Soestbergen, VADEQ
Robert Brent, VADEQ
file

Attachment – Text of Public Notice regarding Reissuance of VPDES permit # VA0062928

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to reissue the permit subject to certain conditions. This proposed permit action is tentative and consists of limiting the following parameters: pH 6.5 SU min, 9.5 SU max; BOD5 45 mg/L max; Suspended Solids 45 mg/L max; Residual Chlorine 1.1 mg/L max; Dissolved Oxygen 5.0 mg/L min; E. coli 126 N/100 mL ave.

Total Maximum Daily Loads (TMDLs) have been approved by the U.S. EPA which addresses the following pollutants in this discharge: Suspended Solids; Fecal Coliform; and nitrate. The limits for suspended solids in this permit have been designed to be consistent with the suspended solids load allocated to this facility in the TMDL. Fecal coliform and nitrate loads were not allocated to this facility in the TMDL, because the facility was not discharging at the time the bacterial and nitrate TMDLs were developed.

DEQ proposes to revise the bacteria TMDL by adding a bacteria wasteload allocation to accommodate this facility at a flow of 0.005 MGD and E. coli concentration of 126 N/100mL. This represents only a 0.15% increase in the TMDL. This increase will neither cause nor contribute to the non-attainment of Muddy Creek, because the permit limits the concentration of bacteria in the discharge to the water quality standard level. In addition, the permit contains a re-
opener condition that may allow these limits to be modified, in compliance with section 303(d)(4) of the Clean Water Act.